

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 02.08.2017****CORAM:****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.M.A. (MD)No.1204 of 2014**

The Manager,
The Oriental Insurance Company Limited,
PLA Building Ist Floor,
No.12-A, Kovai Road,
Karur.

... Appellant /2nd Respondent
Vs.

1. Rajamani

...1st Respondent/Petitioner

2. The Commissioner,
Karur Municipality,
Karur.

...2nd Respondent/1st Respondent

3. A.Vaiyapuri

...3rd Respondent/3rd Respondent

4. The Manager,
United India Insurance Company Limited,
PLA Building 2nd Floor,
Karur.

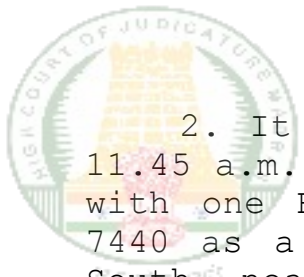
...4th Respondent/4th Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award made in M.C.O.P.No.51 of 2011 dated 24.07.2014, on the file of the Motor Accident Claims Tribunal cum Principal Subordinate Judge, Karur.

For Appellant	: Mr.K.Bhaskaran
For R1	: Mr.K.Suresh Kumar
For R2 & R3	: No appearance
For R4	: M/s.K.R.Shivasankari for M/s.VR.Subramaniam

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the appellant/Oriental Insurance Company Limited against the award dated 24.07.2014 passed in M.C.O.P.No.51 of 2011 by the Motor Accident Claims Tribunal cum Principal Subordinate Judge, Karur.



2. It is a case of injury took place on 02.11.2010 at about 11.45 a.m., when the first respondent/injured was travelling along with one Balamani in a Tractor bearing Registration No.TN 23 Q 7440 as a load man, on Karur - Vangal Main Road from North to South, near Vengayakaran Bridge at Karur, the Gargo Tipper Lorry bearing Registration No.TN 47 D 2673 belonging to the second respondent came in a rash and negligent manner and hit against the Tractor. As a result of which, the first respondent has sustained multiple grievous injuries all over the body. Immediately, she was taken to K.G.Hospital, Karur and she was again taken to Gangal Hospital, Coimbatore and admitted as in-patient for 15 days and her right hand was amputated. Due to the injuries sustained, she became permanently disabled. Therefore, she filed an application in M.C.O.P.No.51 of 2011 before the Motor Accident Claims Tribunal cum Principal Subordinate Judge, Karur, seeking compensation.

3. The Tribunal, after considering the facts and circumstances of the case, awarded a sum of Rs.6,70,900/- towards total compensation. Challenging the same, the appellant / Oriental Insurance Company Limited filed the present appeal questioning the quantum of compensation awarded by the Tribunal mainly on the ground that the negligence fixed on the part of the driver of the Gargo Tipper Lorry which met with the accident was erroneous.

4. The learned counsel for the respondents 1 and 4 opposed the contention of the learned counsel for the appellant by stating that the factum of the accident was proved and the vehicle was insured with the appellant/Oriental Insurance Company and hence, the findings of the Tribunal are not erroneous.

5. On reading of the findings of the Tribunal, it is clear that the Tribunal has considered all these aspects and fixed the liability on the appellant/Oriental Insurance Company. Such being the factual position, this Court is of the opinion that the award of the Tribunal is not excessive and in fact, the Tribunal has adopted the procedure while fixing the compensation which do not deserve any reconsideration. Accordingly, the order passed by the Motor Accident Claims Tribunal cum Principal Subordinate Judge, Karur in M.C.O.P.No.51 of 2011 dated 24.07.2014 is confirmed and the Civil Miscellaneous Appeal is dismissed.

6. In view of the dismissal of the appeal, the appellant/Oriental Insurance Company is directed to deposit the entire award amount with accrued interests and costs within a period of four weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the first respondent/injured is permitted to withdraw the award amount with accrued interests and costs. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The Motor Accident Claims Tribunal
cum Principal Subordinate Judge, Karur

2. The Commissioner,
Karur Municipality,
Karur.

3. The Manager,
United India Insurance Company Limited,
PLA Building 2nd Floor,
Karur.

+ 1 cc TO Mr.VR.Subramaniam , Advocate in SR No. 69546
+ 1 cc TO Mr.K.Bhaskaran , Advocate in SR No. 69615
+ 1 cc TO Mr.K.Sureshkumar , Advocate in SR No. 68896

akv

AE/KK/SAR1/27.10.2017/3P/7C

C.M.A. (MD) No.1204 of 2014
02.08.2017